

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 23, 2004
Tuesday, 9:40 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, present. (Schlapp absent).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the November 16, 2004 Meeting were approved 6 to 0.

CONSENT AGENDA

Council Member Martz Council Member Martz requested that Item 10a. be deferred so that he can visit with Staff.

Motion-- Mayans moved that the Consent Agenda, except Item 10a, be approved as consensus Items.
--carried Motion carried 6 to 0, (Schlapp absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 22, 2004.

Bids were opened November 19, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Bids were opened November 19, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

29th Street North, from Maize Road to Tyler (87N-0294-01/472-83863/706868 /204334) The contractor will be allowed to close 29th Street to thru traffic. The contractor, once he closes 29th Street, will have fifteen (15) calendar weeks to reopen it. (District V)

Ritchie Paving - \$2,323,765.17

2004 contract maintenance hot-in-place repaving, Phase 2 - 21st Street North from Ridge Road to Maize Road. (472-84121/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Cutler Repaving - \$450,000.00 (Engineer's estimate)

2004 contract maintenance asphalt crack and base repair - 21st Street North from Ridge Road to Maize Road. (472-84122/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Kansas Paving Company - \$94,000.00 (Engineer's estimate)

Water distribution system to serve Hawthorne 2nd & 3rd Additions - north of 21st Street North, east of 127th Street East. (448-89993/735220/470890) Does not affect existing traffic. (District II)

McCullough Excavation - \$43,700.00

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Water distribution system to serve Hawthorne 3rd Addition - north of 21st Street North, east of 127th Street East. (448-89992/735223/470893) Does not affect existing traffic. (District II)

Mies Construction - \$45,337.50

Water distribution system to serve My House Addition - south of 55th Street South, west of Broadway. (448-89977/735216/470886) Does not affect existing traffic. (District IV)

Mies Construction - \$19,435.00

Lateral 499 Southwest Interceptor Sewer to serve My House Addition - south of 55th Street South, west of Broadway. (468-83835/744085/480773) Does not affect existing traffic. (District IV)

Mies Construction - \$102,166.00

Sidewalk along the west side of Reserve A to serve Reed's Cove Addition & Reed's Cove 2nd Addition - south of 21st Street North, east of 127th Street East. (472-84110/765909/490022) Does not affect existing traffic. (District II)

Kansas Paving Company - \$35,676.00

Water distribution system, Phase 5 to serve Ridge Port Addition - north of 29th Street North, east of Ridge. (448-89826/735205/470875) Does not affect existing traffic. (District V)

Mies Construction - \$7,077.50

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

--carried

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Paint 66" pipeline at two locations.

TMI Coatings, Inc. - \$247,000.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Modifications to Rounds & Porter Building.

Descon Inc. - \$485,244.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: (Pebble quicklime – bulk delivery)

Global Stone St. Clair Inc. - \$608,860.00* (Group 1 total net bid)

*Estimate – Contract approved on unit cost basis.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replace driveways, sidewalks, approaches.

Barkley Construction - \$53,100.00 (Group 1 total net bid)

\$48,100.00 (Group 2 total net bid)

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PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Cabinet controller unit and conflict Mo.

Mid American Signal - \$14,023.00 (Group 1 total net bid)
\$23,400.00 (Group 2 total net bid)

Gades Sales Co., Inc. - \$13,112.00 (Group 3 total net bid)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Traffic Signal Equipment.

Mid American Signal - \$36,972.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Four-wheel drive hydraulic excavator.

Foley Equipment Co., Inc. - \$160,494.00 (Total base bid)
\$ 5,039.00 (Group 1 option 1/ total net bid)
\$ 7,515.00 (Group 1 option 2/ total net bid)
No charge (Group 1 option 3)
\$ 4,795.00 (Group 1 option 4/ total net bid)
\$ 2,500.00 (Group 1 option 5/deduct)
No charge (Group 1 option 6)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Various parks replacement bathroom fixtures.

Caro Construction Co., Inc.- \$25,473.00 (Group 1 total net bid)
Petra Construction - \$8,148.00 (Group 2 total net bid)
\$4,132.00 (Group 3 total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Glass backstops and installation.

AALCO Manufacturing - \$13,249.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Custom setters, monitor cover, meter box.

Water Products Inc.* - \$1,100.00 (Group 2 total net bid)
*Award redirected

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Parkson Hycor Heliclean Unit, Model HLC500XLH.

Fluid Equipment Co., Inc.* - \$103,165.00 (Annual cost)

*Purchases utilizing Sole Source of Supply Ordinance No. 38-122 Section 2.64.020 (b).

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Six (6) 15-gallon containers Razorooter II Diquat Dibromide and six (6) 30-gallon containers of foaming agent for Razorooter II Diquat Dibromide.

Dukes Sales & Service* - \$27,000.00 (Lump sum total/to include shipping in quote as per specifications)

*Purchases utilizing Sole Source of Supply - Ordinance No. 35-856 Section 2 (b)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

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CMB's

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
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Stanley W. Shaver	Tex Consolver Golf Course*	1931 South Tyler Road
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<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
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Jayanti Patel	M & V Petroleum	7101 East Lincoln
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	Dbas Food Mart #205	
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Dat Huynh	D & T Grocery	895 South Woodlawn
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 6 to 0, (Schlapp absent).

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) 9th Street Bridge at Westlink Ditch - south of 13th Street North, west of Tyler. (87N-0340-01/472-84021/448-90010/715702/636139/244118/774534) Traffic is to be maintained on Westlink during construction using flagpersons and barricades. (District V) - \$285,000

b) 2004 Sanitary Sewer Reconstruction, Phase 13 - various locations between 13th Street North & Pawnee, and between Meridian & Oliver. (468-83927/620420/664540) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV) - \$341,000

c) Florence from the north line of Esthner Avenue to the south line of Bounous Street to serve Burnham Industrial Addition and Von Feldt Industrial Addition - west of West Street, south of Harry. (472-84020/765877/490988) Traffic to be maintained during construction using flagpersons and barricades. (District V) \$120,840

Motion--
-- carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0, (Schlapp absent).

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Drainage Easement dated September 28, 2004 from Integrated Healthcare Systems, Inc. for tracts of land located in Lot 1, Block 1, Wichita Clinic Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861). No Cost to City.

b) Utility Easement dated December 3, 2003 from C.V.C. Wichita Associates, L.L.C. for a tract of land located in Lot 5, Block 1, Legacy Park Wilson Estates Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861). No Cost to City.

c) Utility Easement dated December 3, 2003 from Brighton Courts, LLC, a Kansas Limited Liability Co. for a tract of land located in Lots 36, 37, and 38, Block 1, Brighton Courts Addition, an Addition to Wichita, Sedgwick County, Kansas (OCA# 607861). No cost to City.

d) Facade Easement from Harlan Foraker and Karen Foraker for a tract of land located in Lots 51, 53, 55, 57, 59 and land adjacent to Lot 59 on Douglas Avenue, West Wichita Addition, an Addition to Wichita, Sedgwick County, Kansas (Facade Improvement Program, OCA #766011). No cost to City.

Motion--carried

Mayans moved that the Deeds and Easements be accepted. Motion carried 6 to 0, (Schlapp absent).

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COST STATEMENTS PARTIAL STATEMENTS OF COST:

- a) (Fifth Partial) Estimate of Cost for improving 21st Street North, 119th Street West to Maize Road - \$2,384,069; less KDOT reimbursements - \$1,745,769; less financing previously issued - \$560,000. Financing to be issued – \$78,300. (706814/472-83364/201-279).
- b) (Third Partial) Estimate of Cost for improving Intersection of Central and Rock Road - \$1,372,677; less KDOT reimbursements - \$986,877; less interfund transfers - \$300,000. Financing to be issued – \$85,800. (706819/472-83393/201-285).
- c) (Fourth Partial) Estimate of Cost for improving Intersection of 21st Street North and Rock Road - \$2,063,800; less KDOT reimbursements - \$1,483,800; less financing previously issued - \$15,000; less interfund transfers - \$409,000. Financing to be issued – \$156,000. (706829/472-83438/201-295).
- d) (Third Partial) Estimate of Cost for improving Rock Road from 32nd Street North to K-96 Expressway - \$805,600; less KDOT reimbursements - \$569,100; less interfund transfers - \$175,000. Financing to be issued – \$61,500. (706830/472-83439/201-296).
- e) (Third Partial) Estimate of Cost for the Bike Path along the Little Arkansas River from 13th Street North to 21st Street (Design) - \$40,000; less financing previously issued - \$30,000. Financing to be issued – \$10,000. (706831/472-83436/202-297).
- f) (Fourth Partial) Estimate of Cost for improving 29th Street North, Maize Road to Tyler Road - \$64,700; less financing previously issued - \$50,000. Financing to be issued – \$14,700. (706837/472-83505/202-303).
- g) (Second Partial) Estimate of Cost for improving Hillside from Kellogg to Central - \$231,439; less inter-fund transfer - \$157,139. Financing to be issued at this time - \$74,300. (706867/472-83862/204-333).
- h) (Second Partial) Estimate of Cost for improving Intersection of Pawnee and Washington - \$174,300; less inter-fund transfer - \$72,000. Financing to be issued at this time - \$102,300. (706870/472-83859/204-336).
- i) (First Partial) Estimate of Cost for improving Central, Oliver to Woodlawn - \$14,000; less financing previously issued - \$0. Financing to be issued at this time - \$14,000. (706871/472-83873/204-337).
- j) (First Partial) Estimate of Cost for improving Hydraulic from 47th Street South to 57th Street South - \$654,000; less financing previously issued - \$0. Financing to be issued at this time - \$654,000. (706877/472-83902/204-343).
- k) (First Partial) Estimate of Cost for improving Century Plaza Parking Lot - \$15,000; less financing previously issued - \$0. Financing to be issued at this time - \$15,000. (706878/472-83951/204-344).
- l) (Second Partial) Estimate of Cost for improving 119th Street West from 17th Street North to 21st Street North - \$822,697; less KDOT Reimbursements - \$622,697; less interfund transfer - \$175,000. Financing to be issued at this time - \$25,000. (706875/472-83890/204-341).
- m) (First Partial) Estimate of Cost for improving Intersection of Westport and Maize Road (Design) - \$13,000; less financing previously issued - \$0. Financing to be issued at this time - \$13,000. (706880/472-83855/204-346).
- n) (First Partial) Estimate of Cost for 2004/2005 Traffic Signalization Program - \$100,000; less financing previously issued - \$0. Financing to be issued at this time - \$100,000. (706911/472-83991/204-377).

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- o) (Third Partial) Estimate of Cost for 2001 Traffic Signal Program - \$252,000; less interfund transfers - \$100,000; less financing previously issued - \$25,000. Financing to be issued at this time - \$127,000. (710215/472-83367/231-077).
- p) (Third Partial) Estimate of Cost for improving the Intersection of 21st Street North and 119th Street West - \$190,300; less interfund transfers - \$100,000; less financing previously issued - \$50,000. Financing to be issued at this time - \$40,300. (710216/472-83609/231-078).

Motion--
Carried

Mayans moved that the Statements of Cost be received and filed. Motion carried 6 to 0, (Schlapp absent).

SAND PLUM

PETITIONS TO CONSTRUCT A SANITARY SEWER AND WATER DISTRIBUTION SYSTEM IN SAND PLUM ADDITION – SOUTH OF 45TH STREET NORTH, WEST OF WEBB. (DISTRICT II)

Agenda Report No. 04-1161

On May 18, 2004, the City Council approved Petitions to construct a sanitary sewer and water distribution system in Sand Plum Addition. Based on recent bid prices, it is doubtful that construction contracts can be awarded with the budgets set by the Petitions. The developer has submitted new Petitions with increased budgets. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve a new residential development located south of 45th Street North, west of Webb.

The existing Petitions total \$233,774. The new Petitions total \$261,774. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
-- carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-624

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89958 (south of 45th Street North, West of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-625

Resolution of findings of advisability and Resolution authorizing construction of Lateral 108, Sanitary Sewer #23, 468-83822 (south of 45th Street North, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

REMINGTON PLACE **PETITION TO CONSTRUCT A STORM WATER DRAIN IN REMINGTON PLACE THIRD ADDITION – SOUTH OF 21ST STREET, EAST OF WEBB. (DISTRICT II)**

Agenda Report No. 04-1162

The Petition has been signed by two owners, representing 100% of the improvement district.

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The project will improve drainage within the Remington Place 3rd Addition residential development located south of 21st, east of Webb.

The Petition totals \$50,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-626

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 244 (south of 21st Street, east of Webb) 468-83928, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

FOX RIDGE

PETITIONS FOR PAVING, DRAINAGE AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE FOX RIDGE ADDITION – NORTH OF 29TH STREET. (DISTRICT V)

Agenda Report No. 04-1163

The Petitions have been signed by three owners, representing 100% of the improvement districts.

These projects will provide paving, drainage improvements and water service to a new residential development located north of 29th Street North, between Maize and Tyler.

The Petitions total \$1,685,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
-- carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-627

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90023 (east of Maize, north of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-628

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 245, 468-83929 (east of Maize, north of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

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RESOLUTION NO. 04-629

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 246, 468-83930 (east of Maize, north of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-630

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 247, 468-83931 (east of Maize, north of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-631

Resolution of findings of advisability and Resolution authorizing improving Westlakes Parkway from the west line of Lot 45, Block 1 to the west line of Lot 146, Block 1; with construction of sidewalk on the north side, 472-84125 (east of Maize, north of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

SIERRA HILLS

PETITIONS FOR STREET PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEMS TO SERVE SIERRA HILLS ADDITION – EAST OF 127TH STREET EAST, NORTH OF PAWNEE. (DISTRICT II)

Agenda Report No. 04-1164

On February 11, 2003 and April 15, 2003, the City Council approved Petitions for street paving, sanitary sewer and water distribution systems in Sierra Hills Addition. Since that time, the developer has divided a number of lots to reflect current home marketing conditions. The developer has submitted new Petitions to reallocate special assessments to accommodate the change in building site boundaries. The signatures on the petitions represent 100% of the improvement districts.

The projects will serve a new residential development located east of 127th Street East, north of Pawnee.

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
-- carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-632

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89781, (east of 127th Street East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

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RESOLUTION NO. 04-633

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89782, (east of 127th Street East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-634

Resolution of findings of advisability and Resolution authorizing construction of Lateral 343, Four Mile Creek Sewer, 468-83583, (east of 127th Street East, north of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-635

Resolution of findings of advisability and Resolution authorizing improving Cherry Creek: from the east line of 127th Street East to Sierra Hills; Horseback, from the north line Cherry Creek to the north line Sierra Hills Addition; Sierra Hills, from Cherry Creek to the east line Lot 17, Block 2, Sierra Hills/Sierra Hills circle, from Cherry Creek to an including cul-de-sac, Sierra Hills Ct., from the west line Sierra Hills to and including cul-de-sac (Lots 28-35, Block 5), Triple Crown, from the east line sierra hills to the north line of lot 14, block 4, and triple crown court, from the south line triple crown to and including cul-de-sac. Sidewalk on one side of all through, non cul-de-sac streets, and the loop street of Sierra Hills, Triple Crown and Mt. Vernon. Horseback Street shall be paved with a temporary cul-de-sac at the north line of the Addition, (east of 127th Street East, north of Pawnee) 472-83703, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

COPPER GATES

PETITIONS FOR STREET PAVING, SANITARY SEWER, DRAINAGE IMPROVEMENTS AND WATER DISTRIBUTION SYSTEMS TO SERVE COPPER GATE ESTATES – SOUTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-1165

On December 10, 2002, the City Council approved Petitions for street paving, drainage improvements, sanitary sewer and water distribution systems in Copper Gate Estates Addition. Since that time, the developer has divided a number of lots to reflect current home marketing conditions. The developer has submitted new Petitions to reallocate special assessments to accommodate the change in building site boundaries. The signature on the petitions represents 100% of the improvement districts.

The projects will serve a new residential development located south of 13th, west of 135th Street West

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
-- carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0, (Schlapp absent).

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RESOLUTION NO. 04-636

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System, Number 448-89756 (south of 13thth Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-637

Resolution of findings of advisability and Resolution authorizing improving of Lateral 5, Main 5, Northwest Interceptor Sewer, 468-83533, (south of 13thth Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-638

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 582, 468-83560 (south of 13thth Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

RESOLUTION NO. 04-639

Resolution of findings of advisability and Resolution authorizing improving Ponderosa from the west line of Aksarben, west to the north line of Alderny, on Alderny from the south line of Ponderosa east to the west line of Aksarben, and on Aksarben from the south line of Ponderosa, south to the south line of Lot 37, Block A. Alderny Ct. from the south line of Alderny, south to and including the cul-de-sac, and on Ponderosa Ct. from the south line of Ponderosa, south to and including the cul-de-sac. Sidewalk on one side of Aksarben, Ponderosa, and Alder, 472-83670, (south of 13thth Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees quarterly meeting, June 24, 2004

District VI Advisory Board minutes, July 12, 2004

Housing Advisory Board meeting, July 20, 2004

District VI Advisory Board minutes, August 2, 2004

Wichita Employees Retirement Board/Police & Fire Retirement Board, Joint Investment Committee minutes, August 5, 2004

Board of Park Commissioners regular meeting, August 16, 2004

Wichita Employees Retirement System regular board meeting minutes, August 25, 2004

Police & Fire Retirement System regular board meeting minutes, August 25, 2004

Wichita Employees Retirement Board, Police & Fire Retirement Board, Joint Investment Committee minutes, September 2, 2004

Minutes of the City of Wichita, Wichita Airport Advisory Board, September 7, 2004

Board of Park Commissioners regular meeting, Park & Recreation, September 13, 2004

Board of Code Standards and Appeals, minutes, September 13, 2004

Wichita Employees Retirement System annual board meeting minutes, September 15, 2005

Housing Advisory Board meeting, September 21, 2004

Wichita Public Library board meeting regular minutes, September 21, 2004

Wichita Public Library monthly report, September 2004

Police & fire Retirement System, regular board meeting minutes, September 22, 2004

Minutes of the city of Wichita, Wichita Airport Advisory Board, October 4 2004

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Wichita Employees Retirement Board/Police & Fire Retirement Board, annual joint investment committee meeting minutes, October 7, 2004
Wichita Public Library, board meeting regular minutes, October 19, 2004

Motion--carried Mayans moved that the Minutes be received and filed. Motion carried 6 to 0, (Schlapp absent).

STREET CLOSURE STREET CLOSURES RELATED TO WATERWALK DEVELOPMENT. (DISTRICT I)

Agenda Report No. 04-1175

Key Construction is scheduled to begin work on the Gander Mountain site in the WaterWalk project on November 23, 2004. During the construction period the contractor is requesting the closure of Wichita Street between Lewis St. and Kellogg overpass; and the closure of Dewey St. between Wichita and Water Streets. The estimated completion date for the Gander Mountain site is in September of 2005.

The requested street closures should not have a detrimental impact on traffic flow in the area. Key construction is responsible for the placement of required construction signs and barricades and notification of area businesses and residents.

Motion--
-- carried Mayans moved that the Wichita Dewey street closures be approved. Motion carried 6 to 0, (Schlapp absent).

STREET CLOSURE STREET CLOSURES RELATED TO CROSSING REPAIR ON THE BURLINGTON NORTHERN SANTA FE RAILROAD. (DISTRICT III)

Agenda Report No. 04-1176

The Burlington Northern Santa Fe Railroad (BNSF) has tentatively scheduled the replacement of damaged crossing material and related crossing reconstruction and adjustment on the following crossings along Southeast Boulevard during the following dates:

Wassall, west of Southeast Boulevard	December 2-3
Hydraulic, south of Southeast Boulevard	December 6-7
Pawnee, west of Southeast Boulevard	December 9-10
Mt. Vernon, west of Southeast Boulevard	December 13-14

The BNSF RR is requesting the full closure of the above streets at the crossing area during the tentative dates. The closures will allow BNSF to remove the damaged crossing material, add ballast and adjust the track elevation to match the street profile, and install the new crossing material. Additional concrete work will need to be accomplished at the Wassall crossing and the ties and rail will also be replaced at the Mt. Vernon crossing. The above closure dates are contingent on acceptable weather conditions to complete the work.

During the two-day closures traffic will be detoured using adjacent arterial and collector streets. The railroad is responsible for the placement of construction signs and barricades and notification of area businesses and residents.

Motion--carried Mayans moved that the street closures be approved. Motion carried 6 to 0, (Schlapp absent).

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CLAIMS ALLOWED CLAIMS ALLOWED REPORTS – MONTHS OF SEPTEMBER AND OCTOBER, 2004:

<u>Name of Claimant</u>	<u>Amount</u>
(September)	
Jetz Service Co., Inc.	\$400.00
Kansas Gas Service	\$1,160.46**
Leonard, Linda	\$87.00
O'Brien, Robert (c/o Farmers Insurance)	\$3,270.56
Southwestern Bell	\$312.96
(October)	
Gallegos, Michael	\$1,420.48**
McIntosh, Carlos	\$10.00
Southwestern Bell	\$1,736.78**
Westar Energy	\$5,786.69

** Settled for lesser amount than claimed.

Motion--carried Mayans moved that the Reports be received and filed. Motion carried 6 to 0, (Schlapp absent).

(Item 10a.)

WORKER'S COMP. 2005 PROPERTY, LIABILITY AND EXCESS WORKER'S COMPENSATION INSURANCE PLACEMENT SERVICES.

Motion -- Mayans moved that Item 10a be deferred so that Council Member Martz can visit with Staff. Motion
-- carried carried 6 to 0, (Schlapp absent)

DELANO AREA PROFESSIONAL SERVICES FOR PHASE II ENVIRONMENTAL TESTING OF RAILROAD BED IN DELANO AREA.

Agenda Report No. 04-1167

The City previously received a \$200,000 Brownfield's grant from the Environmental Protection Agency for conducting environmental assessments of underutilized or undeveloped properties that have unknown environmental conditions. In 2002 a Phase I environmental assessment was completed for the Delano area. This assessment indicated the need for a Phase II environmental testing program for an area along the abandoned railroad corridor within the Delano district.

The Phase II testing will indicate the presence or absence of chemical contamination on City and private property in the area. This activity is needed to assist in the continued development of public projects, comprehensive planning and community redevelopment as outlined in the "Delano Neighborhood Revitalization Plan, March 2001." Fieldwork, sampling and analysis methods will be completed as outlined in the "Quality Assurance Project Plan (QAPP) for the Wichita Brownfield Assessment Project that was approved by the EPA Region 7 Office. Geotechnical Services Inc. was selected as the successful respondent in accordance with the City's purchasing procedures. Environmental Health provided information concerning the environmental site assessments to District Advisory Board #4 at their August meeting.

The contract will not exceed \$82,000. The project will use funds remaining in the \$200,000 federal grant previously received by the City.

Motion-- Mayans moved that the contract be approved and the appropriate signatures authorized. Motion
--carried carried 6 to 0, (Schlapp absent).

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PARATRANSIT

RECERTIFICATION OF PARATRANSIT ELIGIBLE PASSENGERS.

Agenda Report No. 04-1168

On April 13, 2004, City Council approved a plan that would recertify all of Wichita Transit ADA paratransit clients. An important component of this recertification plan was to have a third-party contractor perform all "in-person" application interviews, and physical and / or cognitive functional assessments, as necessary. WT estimates it will take three (3) years to recertify all present and new clients. All clients will be recertified every three years. It is estimated the recertification plan will have an annual cost avoidance after the third year of \$120,000 per annum.

The recertification plan involves contracting for professional services. An RFP was prepared and two groups submitted proposals. The RFP selection committee found the proposal submitted by Performance Assessment Center (PAC) to be the best qualified per the evaluation criteria established: qualifications, price, staffing and organization, work plan, and operating facility. The RFP called for a 3-year contract, with 2 option years.

WT estimates the proposal submitted by PAC will cost \$141,960 the first year, while years two and three will be \$139,460. The allocation of funds to cover these costs for the life of this contract will be: Federal Transit Administration (FTA) annual allocation 40%, Federal Access to Jobs 24%, Kansas Department of Transportation (KDOT) 24%, and local City match 12%. Local match from the Transit fund has already been budgeted, so no additional funds will be necessary.

The Legal Department will negotiate and prepare a contract in conformity with the RFP.

Motion--
--carried

Mayans moved that the execution of a contract with Performance Assessment Center be authorized. Motion carried 6 to 0, (Schlapp absent).

CESSNA SUBLEASE

CESSNA SUBLEASE AGREEMENT. (PULLED FROM NOVEMBER 16, 2004 AGENDA)

Agenda Report No. 04-1138A

On May 22, 1990 the City Council entered into a Lease Agreement with The Cessna Aircraft Company pertaining to the subassembly facility located at 2101 E. 21st Street. On May 1, 2001 the City Council approved an amendment to extend the term of the lease for a period of ten years commencing on the 1st day of May 2001, and terminating the 30th day of April 2011. The monthly rent was amended to \$4,256 per month through the term of the agreement. The lease, limits the use of the premises for the purposes of supporting aircraft manufacturing, including, but not limited to, as a storage area. The workers in the facility will be general Cessna employees or Cessna contract employees.

Cessna proposes to sublease the 2101 E. 21st Street property to A New Beginning, Inc. a 501(c) 3 not-for-profit drugs and alcohol outpatient program provider. The sublease would be for four years, with an option to extend for Cessna's entire lease term, until April 30, 2011. The sublease would begin December 1, 2004.

The proposed activity is allowable under the current zoning code.

Staff has informed Cessna that A New Beginning, Inc., will be required to document activities and submit performance reports in order to meet HUD requirements. The HUD requirements are part of the sublease agreement.

The sublease agreement states the following:

SUBLESSEE agrees and covenants to pay as rent to SUBLESSOR for the Premises, for the term stated, the total of \$215,640 [\$186,618 in cash monthly installments paid by SUBLESSEE to SUBLESSOR and donation receipts for contributions made by SUBLESSOR towards rent of \$22,698 in the first year and \$6,324 in the second year] as follows:

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TIME PERIOD	MONTHLY PAYMENTS	
12/1/04 – 11/30/05	\$4,256.00	(\$2,364.50 in cash and a donation of \$1,891.50)
12/1/05 – 11/30/06	\$4,256.00	(\$3,729.00 in cash and a donation of \$527.00)
12/1/06 – 11/30/07	\$4,729.00	
12/1/07 – 11/30/08	\$4,729.00	

There is no change to the monthly rental payment due to the City from Cessna.

The lease agreement between the City of Wichita and Cessna states that Cessna may not sublease without the prior written consent of the City, and such consent shall not be unreasonably withheld.

Approval of the sublease does not modify Cessna's responsibility to make monthly rental payments to the City and insure and maintain the building and grounds.

In order to facilitate the sublease between A New Beginning, Inc. and Cessna, an amendment to the lease between Cessna and the City of Wichita to expand the use of premises to include activities for drug and alcohol outpatient programs and the facility to be occupied by patients and A New Beginning, Inc., personnel, will be necessary.

Motion--
--carried

Mayans moved that the lease amendment and sublease agreement be approved and the written consent authorized. Motion carried 6 to 0, (Schlapp absent).

PINE BAY ESTATES

DESIGN SERVICES AGREEMENT FOR PINE BAY ESTATES – EAST OF HYDRAULIC, SOUTH OF 63RD STREET SOUTH. (DISTRICT III)

Agenda Report No. 04-1169

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of paving in Pine Bay Estates. Per Administrative Regulation 7a, Staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$10,400, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

ENCODING SYSTEM

ELECTRONIC FARE-CARD ENCODING SYSTEM AND RECEIVER UNIT.

Agenda Report No. 04-1170

Wichita Transit recently implemented its electronic registering fare-box system, which was purchased with FY1999 and FY2000 Federal Transit Administration (FTA) capital funds, at 80% and matched 20% with funds from the Kansas Department of Transportation (KDOT). A total of \$880,000 was approved by City Council in March 2003 for this system. After the initial system purchase, the project has a total of \$82,213.43 of remaining funds.

During the first year of operating the electronic fare-box system, Wichita Transit followed the recommendation of the vendor (GFI) and delayed the purchase of the desktop model card printing and encoding machine until all system bugs were dealt with, and Staff had a chance to gain needed experience with the new system. Now that the production process for Wichita Transit encoded passes is in place, the need has arrived for acquiring the encoding machines. The card-encoding machine will allow Wichita Transit to produce special limited quantity cards for special purposes (e.g. SRS program

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passes, student semester passes, special event passes, etc.). In addition, the encoding machine will also serve as a card replacement unit for damaged or defective cards that still have rides or cash value on them. Finally, it takes several months to get special cards coded (far too long for some of the limited notice events that are serviced) and the cost is prohibitive due to the limited supplies needed. Card printing and encoding machines are needed at both the Transit Operations Center and the Downtown Transit Center.

In addition, a spare vault receiver unit is needed. The receiver is designed to provide a method of transferring collected revenues from the bus farebox to a secured cash vault providing a high level of security as no human hands ever contact the collected revenues. If a cash box from the farebox jams inside the receiver, the collection process is halted.

The estimated cost of the GFI printing and encoding machine system and the vault receiver unit (exclusive products of GFI) is up to \$70,000 (which includes 500,000 paper stock and 50,000 plastic stock passes with the Wichita Transit design that GFI already has been using). The \$82,213.43 remaining in the original project budget was intended for this purpose and remains available for immediate use. FTA will cover \$56,000 and KDOT will provide the \$14,000 matching funds. No city funds will be used in this purchase.

This is a sole-source acquisition.

Motion--
-- carried

Mayans moved that the purchase of the GFI Printing and Encoding System, the vault receiver unit, and the additional pass stock materials be approved. Motion carried 6 to 0, (Schlapp absent).

BUDGET

FLEET INTERNAL SERVICE FUND BUDGET ADJUSTMENT.

Agenda Report No. 04-1171

Fleet Maintenance is responsible for the operation and maintenance of about 2,200 automobiles, light trucks, heavy trucks, heavy equipment and light equipment used by City departments. Fleet does not provide vehicles or service for Wichita Transit's large buses, or for Airport equipment. Internal customers pay rent on vehicles and equipment to offset the operation, maintenance and future replacement costs. Services include preventive maintenance, repairs, tire service, mobile service, fueling, overhauls, towing, body shop and major mechanical repairs. Repairs to electrical components, cooling systems and heavy equipment tires are contracted to outside vendors. Major repairs for specialized heavy equipment are managed contractually with local businesses.

The Fleet Fund has a 2004 expenditure budget of \$11,034,220. The budget is established based on known and estimated costs, including wages, insurance, repair parts and fuel. In 2004, parts and fuel costs have been significantly higher than estimated. The higher costs have caused a budget shortfall in the Fleet inventory accounts.

To complete all 2004 transactions, it is estimated that transfers of up to \$450,000 (about 4% of the budget) will be needed. The transfers would occur within the Fleet Fund. The transfers would use line-item savings to pay the increased costs. The Fleet budget will be re-evaluated in 2005 to incorporate new cost estimates and to look for operational savings.

Budget transfers over \$10,000 require City Council approval.

Motion--carried

Mayans moved that the budget transfers be approved. Motion carried 6 to 0, (Schlapp absent).

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TRANSFER FUNDS

TRANSFER OF FUNDS WITHIN THE WATER AND SEWER UTILITIES.

Agenda Report No. 04-1172

In the past, a performance complaint of water and sewer customers was the length of time from the submission of an application for service-to-service installation. In July 2002, City Council affirmed Staff's recommendation to adopt procedures to reduce the time involved to install new water services. Time has decreased from an average of fifteen (15) working days to six (6) working days. Part of the procedural change was to have a private contractor install a larger portion of the services, particularly during the peak construction season.

This has been a record setting year for new water service installations, and revenues received for service installations have set a record as well. Nearly \$2.09 million in plant equity fees were collected through October, compared to \$2.06 million in 2003. Tap fees, thus far, have generated \$1.6 million, compared to \$1.3 million in 2003.

Staff analyzed alternatives that would allow service installation and new construction to continue without increasing budget authority. If City crews were to install all new services, maintenance activities would significantly decrease, service installation times would increase and there would be a substantial increase in Staff overtime, creating a different stress on the budget.

The 2004 revised Water Distribution budget includes \$500,000 for installation of water services by a contractor, and additional funds in Personal Services for installation by Staff; however, contractors have installed a larger percentage of services than was anticipated.

To-date \$713,000 has been paid to contractors, with more service installation anticipated for November and December. Less has been paid from Personal Services than expected.

A transfer of \$350,000 in budget authority from Personal Services to Contractuals will provide sufficient budget authority to meet operational needs through year-end. The Finance Department concurs with the Water & Sewer Department assessment.

City Council approval is required for budget transfers of \$25,000 or more.

Motion--carried

Mayans moved that the transfer be approved. Motion carried 6 to 0, (Schlapp absent).

PROPERTY ACQ.

ACQUISITION OF A VACANT LOT IN THE 800 BLOCK OF NORTH SPRINDALE FOR THE CRESTVIEW COUNTRY CLUB INTERCEPTOR SEWER. (DISTRICT II)

Agenda Report No. 04-1173

The Crestview Country Club Interceptor Sewer project requires the construction of an interceptor sewer line across Crestview golf course. At its east end, the line will cross 143rd Street and tie into the existing interceptor line. A 25-foot permanent easement across the platted lots is required to reach 143rd Street. The houses in the area are large compared to the lots, making it very difficult to place a 25-foot wide easement without impacting improvements. This, coupled with elevations, made the undeveloped lot in the 800 block of Springdale the optimum choice.

The lot is one of the last undeveloped parcels adjoining Crestview golf course. The owner acquired the lot in 1994 for \$100,000. He has plans drawn to develop the lot with a 5,000 square foot ranch-style residence. These improvements would prohibit the utilization of the lot for the permanent easement. The owner has agreed to sell the lot to the City for a negotiated value of \$150,000. The site will be utilized for project staging during construction. When the project is complete, the surface of the lot will be restored and it will be offered for sale with the proceeds offsetting some of the acquisition cost.

Funds have been budgeted in the Capital Improvement Program (CIP S-532) for this project. The funding source will be Water Utility revenues and reserves. A budget of \$155,000 is requested. This includes \$150,000 for the acquisition and \$5,000 for closing costs and title insurance.

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Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

MY HOUSE

SANITARY SEWER FOR MY HOUSE ADDITION – SOUTH OF 55TH STREET SOUTH, WEST OF BROADWAY. (DISTRICT IV)

Agenda Report No. 04-1174

On June 8, 2004, the City Council approved a sanitary sewer project for My House Addition, a new residential development located south of 55th Street South, west of Broadway.

As part of the design process, it has been determined that the pipeline should be oversized to serve future development outside the improvement district. An amending Resolution has been prepared to increase the project budget with Sanitary Sewer Utility funds. The Utility share of the project cost will be recovered with the collection of Main Benefit fees in the future.

The existing Petition on file is for \$181,000. The revised total project cost is estimated to be \$232,494 to be funded as follows:

Sewer Utility:	\$115,000
Special Assessments:	\$106,000
Main Benefit Fee:	\$11,494

State Statutes provide the City Council authority to increase the budget with Sewer Utility funding.

Motion--carried

Mayans moved that the amending Resolution be adopted. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-641

Resolution of findings of advisability and Resolution authorizing constructing Lateral 499, Southwest Interceptor Sewer, 468-83835 (south of 55th Street South, west of Broadway), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 16, 2004)

a) Expansion of the East Bank Redevelopment District. (Districts I and IV)

ORDINANCE NO. 46-407

An Ordinance of the City of Wichita adding an area to the East Bank Redevelopment District and making a substantial change to the District Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Schlapp, Mayans; (No Lambke, Martz).

b) Authorizing Execution and Delivery of Master Amendment to Lease Agreements, Boeing Company IRB Projects. (District VI)

ORDINANCE NO. 46-408

An Ordinance approving and authorizing the execution of a master amendment to lease agreements between the Boeing Company and the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Lambke, Martz, Schlapp; (Brewer and Mayans abstained).

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c) ZON2004-00031 - generally located approximately midway between Greenwich Road and 127th Street East, North of Douglas Avenue. (District II)

ORDINANCE NO. 46-409

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON 200 4-00031

PLANNING AGENDA

Motion--
--carried

Mayans moved that the Planning Agenda Items be approved as presented. Motion carried 6 to 0, (Schlapp absent).

SUB 2003-23

SUB 2003-23 -- PLAT OF 29TH STREET NORTH CHURCH ADDITION, LOCATED WEST OF RIDGE ROAD AND ON THE NORTH SIDE OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 04-1175

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This unplatted site, consisting of one lot on 4.73 acres, is located with Wichita's city limits and is zoned LI, Limited Industrial District.

Sewer and water services are available to serve the site. A Petition, 100% percent, and a Certificate of Petition have been submitted for paving improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0, (Schlapp absent).

RESOLUTION NO. 04-640

Resolution of findings of advisability and Resolution authorizing constructing left turn bay improvements on 29th Street North to serve Lot 1, Block A, 29th Street North Church Addition, 472-84128 (west of Ridge, north of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

VIA CHRISTI

SUB2004-101- PLAT OF VIA CHRISTI - ST. JOSEPH WEST ADDITION, LOCATED ON THE EAST SIDE OF HILLSIDE AND NORTH OF HARRY. (DISTRICT III)

Agenda Report No. 04-1176

Staff Recommendation: Approve the plat. (8-3)
MAPC Recommendation: Approve the plat. (8-3)

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The negative votes reflect the concern of the Commissioners regarding the need for a contingent street right-of-way dedication.

This unplatted site, consisting of four lots on 16.67 acres, is located in the within Wichita's city limits. This site is zoned B, Multi-family Residential District.

Municipal services are available to serve the site. A Sidewalk certificate has been submitted for sidewalk improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Sidewalk Certificate will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat be approved and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

DED2004-29

DED2004-29 - DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED EAST OF MERIDIAN AND ON THE SOUTH SIDE OF HARRY. (DISTRICT IV)

Agenda Report No. 04-1177

MAPC Recommendation: Accept the Dedication.

As a requirement of Lot Split Case No. SUB 2004-124, a 20-foot and 30-foot utility easement was provided for a proposed sanitary sewer line.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0, (Schlapp absent).

DED2004-30

DED2004-30 DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED ON THE EAST SIDE OF RIDGE ROAD AND NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 04-1178

MAPC Recommendation: Accept the Dedication.

As a requirement of Lot Split Case No. SUB 2004-108, a 10-foot utility easement was provided for a proposed sanitary sewer line.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0, (Schlapp absent).

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AIRPORT

Motion-- Mayans moved that the Airport Agenda be approved as presented. Motion carried 6 to 0,
--carried (Schlapp absent).

EMINENT DOMAIN ACQUISITION BY EMINENT DOMAIN OF TRACTS REQUIRED FOR RUNWAY APPROACH PROTECTION AT MID-CONTINENT AIRPORT.

Agenda Report No. 04-1179

The property located west of Ridge Road and south of K-42 Highway partially lies in the Runway Approach Protection area as defined for Mid-continent Airport. The Airport has requested that this tract be acquired to prevent further development in this protected area. The site has 54.7 acres with 34.51 acres in the protection area and has been zoned and platted for industrial development. The site is currently unimproved.

City Staff has attempted to negotiate the purchase of the identified property to protect the Airport facilities, but have been unable to reach an agreement with the owners. The property has been appraised at \$410,000 and this amount has been offered to the owner. The owner has indicated that this amount is insufficient but has declined to provide a counter offer. Staff will continue to negotiate with the owner, but due to the lack of constructive negotiations to date, eminent domain proceedings are considered necessary.

Funds have been budgeted in the Capital Improvement Program for acquisitions for runway protection. The cost of this acquisition will be paid for with a mixture of General Obligation bonds paid with airport revenue and passenger facility charge funds.

Motion-- Mayans moved that the Resolution be adopted and place on first reading the Ordinance providing for
the acquisition by eminent domain of certain real property and directing the City Attorney to file the
appropriate proceedings in the District Court to accomplish such acquisition. Motion carried 6 to 0,
-- carried (Schlapp absent).

RESOLUTION NO. A-04-010

A Resolution declaring the necessity for acquiring private property for the use of the Wichita Airport Authority in connection with preservation of a runway approach protection for Mid-Continent Airport, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Mayans, (Schlapp absent).

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way-therein, for the purpose of preserving the runway approach protection zone for Mid-Continent Airport in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

Workshop to follow

***Council Member Schlapp arrived at 10:38 a.m.

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RECESS

Motion--

Mayans moved at 11:25 a.m. that the City Council recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation, potential litigation and legal advice and that the Council return from Executive Session no earlier than 11:55 a.m. and reconvene in the first floor boardroom at City Hall. Motion carried 7 to 0.

carried

RECONVENE

The Council reconvened at 11:55 a.m. in the first floor boardroom at City Hall. Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 11:55 a.m. that the Executive Session be adjourned. Motion carried 7 to 0.

Motion--

Mayans moved at 11:56 a.m. that the Regular Meeting be adjourned. Motion carried 7 to 0.

Adjournment

The City Council meeting adjourned at 11:56 a.m.

Karen Sublett
City Clerk